

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Tara Mayfield,

Case No. 22-cv-1181 (WMW/DTS)

Plaintiff,

v.

**REPORT AND RECOMMENDATION**

Super 8 Hotel, et al.,

Defendants.

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In an order dated May 10, 2022, this Court denied the application to proceed *in forma pauperis* (IFP) of plaintiff Tara Mayfield. See Docket No. 4. Mayfield was given 20 days to submit the filing fee for this matter and proceed as a non-IFP litigant (if she so chose), failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b).

That deadline has now passed, and Mayfield has not paid the required \$402.00 filing fee for this matter. In fact, Mayfield has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. See *Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

### RECOMMENDATION

For the reasons set forth above, the Court RECOMMENDS THAT this matter be **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

Dated: June 7, 2022

s/David T. Schultz  
DAVID T. SCHULTZ  
U.S. Magistrate Judge

### NOTICE

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set for in LR 72.2(c).